



# FLORIDA PAROLE COMMISSION

**FREDERICK B. DUNPHY, CHAIRMAN**  
**TENA PATE, VICE CHAIRMAN**  
**MONICA DAVID, SECRETARY**

**CHARLIE CRIST, GOVERNOR**  
**BILL McCOLLUM, ATTORNEY GENERAL**  
**ALEX BINK, CHIEF FINANCIAL OFFICER**  
**CHARLES H. BRONSON, COMMISSIONER OF AGRICULTURE**

## LETTER OF TRANSMITTAL

### LONG RANGE PROGRAM PLAN

September 30, 2009

Jerry L. McDaniel, Director  
Office of Policy and Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, Florida 32399-0001

JoAnn Leznoff, Council Director  
House Full Appropriations Council on General Government & Health Care  
221 Capitol  
Tallahassee, Florida 32399-1300

Skip Martin, Council Director  
House Full Appropriations Council on Education & Economic Development  
221 Capitol  
Tallahassee, Florida 32399-1300

Cynthia Kelly, Staff Director  
Senate Policy and Steering Committee on Ways and Means  
201 Capitol  
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, *Florida Statutes*, our Long Range Program Plan (LRPP) for the Florida Parole Commission is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives, and measures for the Fiscal Year 2010-11 through FY 2014-15. This submission has been approved by me, Frederick B. Dunphy, as Chairman of the Commission. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Commission's website: <http://www.fpc.state.fl.us>.

Should you have any questions regarding this document, you may contact me at 488-0476.

Sincerely,

  
Frederick B. Dunphy  
Chairman



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## ~LONG RANGE PROGRAM PLAN~ FISCAL YEAR 2010-11 THROUGH FISCAL YEAR 2014-15

~

SEPTEMBER 30, 2009

FREDERICK B. DUNPHY, CHAIRMAN  
TENA PATE, VICE CHAIRMAN  
MONICA DAVID, SECRETARY

~

THE FLORIDA CABINET AS  
*THE BOARD OF EXECUTIVE CLEMENCY*



**Charlie Crist**

*Governor*



**Bill McCollum**

*Attorney General*



**Alex Sink**

*Chief Financial  
Officer*



**Charles Bronson**

*Commissioner  
Of Agriculture*

# III. AGENCY MISSION AND GOALS

## MISSION STATEMENT

**~To Ensure Public Safety and Provide Victim Assistance Through  
the  
Post Prison Release Process~**

## GOALS

The Commission has established or proposed ten goals designed to provide for public safety and increased efficiency, while striving to meet the Commission's approved performance measures and standards. The existing and proposed goals are:

1. To select individuals appropriate for parole.
2. To ensure informed decision-making (Commission & Clemency Board).
3. To guarantee timely decisions.
4. To ensure informed decision-making (Level 1 RCR). PROPOSED
5. To ensure informed decision-making (Level 2 RCR). PROPOSED
6. To ensure informed decision-making (Level 3 RCR). PROPOSED
7. To complete RCR Level I cases within 6 months. PROPOSED
8. To complete RCR Level 2 cases within 12 months. PROPOSED
9. To complete RCR Level 3 cases within 18 months. PROPOSED
10. To reduce the recidivism rate for conditional releasees. PROPOSED

## IV. OBJECTIVES OF THE FLORIDA PAROLE COMMISSION

GOAL 1. To select individuals appropriate for parole.

**Objective 1A: To identify individuals who will succeed as law-abiding citizens.**

GOAL 2. To ensure informed decision-making (Commission and Clemency Board)

**OBJECTIVE 2A: To provide complete and accurate information to the Parole Commission and Clemency Board.**

GOAL 3. To guarantee timely decisions.

**OBJECTIVE 3A: To complete the revocation process within specific timeframes.**

GOAL 4. To ensure informed decision-making (eligibility determinations – Level 1 RCR).

PROPOSED

**OBJECTIVE 4A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Level I Restoration of Civil Rights' cases are made containing no factual errors.**

GOAL 5. To ensure informed decision-making (eligibility determinations – Level 2 RCR).

PROPOSED

**OBJECTIVE 5A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Level II Restoration of Civil Rights' cases are made containing no factual errors.**

GOAL 6. To ensure informed decision-making (eligibility determinations – Level 3 RCR).

PROPOSED

**OBJECTIVE 6A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Level III Restoration of Civil Rights' cases are made containing no factual errors.**

GOAL 7. To complete RCR Level I cases within 6 months. PROPOSED.

**OBJECTIVE 7A: To reduce the RCR Level I cases which are pending for 6 months or longer.**

GOAL 8. To complete RCR Level 2 cases within 12 months. PROPOSED.

**OBJECTIVE 8A: To reduce the RCR Level II cases which are pending for 12 months or more.**

GOAL 9. To complete RCR Level 3 cases within 18 months. PROPOSED.

**OBJECTIVE 9A: To reduce the RCR Level III cases which are pending for 18 months or more.**

GOAL 10. To reduce recidivism rates for conditional releasees who technically violate their term and conditions of supervision. PROPOSED.

**OBJECTIVE 10A: To provide transitional assistance to targeted conditional releasees.**

## V. SERVICE OUTCOMES & PERFORMANCE PROJECTION TABLES

**GOAL #1:** To select individuals appropriate for parole.

**OBJECTIVE 1A:** To identify individuals who will succeed as law-abiding citizens.

**OUTCOME:** Percent of parolees who have successfully completed their supervision without revocation within the first two years.

Baseline/ Year 99/00	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-2014	FY 2014-2015
90.1%	85%	85%	85%	85%	85%

**The Commission exceeded its projected goal of 85% for FY 2008-09 by 19 of the 22 inmates paroled or 86.4% successfully completing their supervision without revocation within the first two years.**

**GOAL #2:** To ensure informed decision-making.

**OBJECTIVE2A:** To provide complete and accurate information to the Parole Commission and Clemency Board.

**OUTCOME:** Percent of all cases placed before the Parole Commission and Clemency Board containing no factual errors.

Baseline/ Year 99/00	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
83%	98%	98%	98%	98%	98%

**The Commission exceeded its projected goal of 98% by placing 99.3% of its cases before the Commission and the Clemency Board with no factual errors in FY 2008-09.**

- GOAL #3:** To guarantee timely decisions.
- OBJECTIVE 3A:** To complete the revocation process within specific timeframes.
- OUTCOME:** Percent of revocation cases completed within 90 days of final hearing.

Baseline/ Year 99/00	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-2014	FY 2014-2015
95%	99.9%	99.9%	99.9%	99.9%	99.9%

The Commission exceeded its projected goal of 99.9% for FY 2008-09 by completing all revocation cases within 90 days after the conducting of a final hearing for 100%.

**(PROPOSED) GOAL #4\***

- GOAL #4** To ensure informed decision-making.
- OBJECTIVE4A:** To ensure that information used to determine eligibility status for RCR Level I/Automatic cases contains no factual errors.
- OUTCOME:** Percent of Level 1 RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.

Baseline/ Year 00/00*	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
TBD	TBD	TBD	TBD	TBD	TBD

\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General’s Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.

**(PROPOSED) GOAL #5\***

**GOAL #5:** To ensure informed decision-making.

**OBJECTIVE 5A:** To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Level 2 Restoration of Civil Rights' cases contain no factual errors.

**OUTCOME:** Percent of Level 2 RCR cases placed on executive orders to the Clemency Board containing no factual errors.

<b>Baseline/ Year 00/00</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
TBD	TBD	TBD	TBD	TBD	TBD

**\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General's Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.**

**(PROPOSED) GOAL #6\***

**GOAL #6:** To ensure informed decision-making.

**OBJECTIVE 6A:** To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Level 3 Restoration of Civil Rights' cases contain no factual errors.

**OUTCOME:** Percent of Level 3 RCR cases provided to the Clemency Board for hearing containing no factual errors.

<b>Baseline/ Year 00/00</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
TBD	TBD	TBD	TBD	TBD	TBD

**\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General's Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.**

**(PROPOSED) GOAL SEVEN\***

- GOAL #7:** To complete RCR Level I cases within 6 months.
- OBJECTIVE 7A:** To reduce the RCR Level 1 cases which are pending for more than 6 months.
- OUTCOME:** Percent of RCR Level I pending cases completed within 6 months of receipt.

<b>Baseline/ Year 00/00*</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
TBD	TBD	TBD	TBD	TBD	TBD

\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General’s Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.

**(PROPOSED) GOAL EIGHT\***

- GOAL #8:** To complete RCR Level II cases within 12 months.
- OBJECTIVE 8A:** To reduce the RCR Level II cases which are pending for more than 12 months.
- OUTCOME:** Percent of RCR Level II pending cases completed within 12 months of receipt.

<b>Baseline/ Year 00/00*</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
TBD	TBD	TBD	TBD	TBD	TBD

\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General’s Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.



**(PROPOSED) GOAL NINE\***

**GOAL #9:** To complete RCR Level III cases within 18 months.

**OBJECTIVE 9A:** To reduce the existing RCR Level III pending cases which are pending for more than 18 months.

**OUTCOME:** Percent of RCR Level III pending cases completed within 18 months of receipt.

<b>Baseline/ Year 00/00*</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
TBD	TBD	TBD	TBD	TBD	TBD

**\* The Commission is proposing this goal and performance measure to OPB in response to recommendations made in the September 2009 Auditor General's Operational Review. If approved by the Clemency Board and OPB, the baseline year will be FY 2010-11.**

**(PROPOSED) GOAL TEN\***

**GOAL #10:** To reduce the recidivism rate for conditional releasees.

**OBJECTIVE 10A:** To provide transitional assistance to targeted conditional releasees.

**OUTCOME:** Percent of offenders on conditional release who are returned to prison for technical violation(s) of supervision.

<b>Baseline/ Year 00/00*</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
TBD	TBD	TBD	TBD	TBD	TBD

**\*This proposal is contingent upon funding by the 2010 Legislature. If approved by the Clemency Board and the OPB, the baseline year would be FY 2010-11. (Governor's Ex-Offender Task Force Initiative)**

## **VI. FLORIDA PAROLE COMMISSION**

### **~Linkage to Governor's Priorities~**

The Long Range Program Plan aims to commit the Commission's existing resources to ensuring public safety for the citizens of this State in an effective and efficient manner. The Commission's highest priority is to ensure public safety. The Commission's current and proposed goals are identified to reflect and link to Governor Crist's "Protecting Our Communities" initiative, which seeks to ensure that Florida's citizens are safe. Further, the Commission links its goals and objectives to another of the Governor's priority initiatives: "Keeping the Florida Economy Vibrant." This is done through staff training, implementation of quality assurance measures, and maximizing the Commission's resources to ensure fiscal responsibility. Having highly trained, professional staff assisting persons in having their rights restored, allows those individuals to seek better jobs and become more responsible citizens within the community.

## VII. TRENDS AND CONDITIONS STATEMENT

The purpose of the *Post-Incarceration Enforcement and Victim Rights Program* is: to set conditions for releasees to provide maximum assurance of public safety; to quickly return offenders to incarceration when conditions are violated; to provide accurate information to the Clemency Board; and to locate victims and victims' families so that they can provide input into the decisions of the Commission/Clemency Board if they choose. These actions provide the means for fulfilling the Florida Parole Commission's mission: to protect the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision. In accordance with statutes and case law, maintaining control over this criminal population is contingent upon the attentive and timely performance of a host of reviews, investigations, and hearings. Many of the services provided are aimed at controlling offenders during the post-incarceration phase of their sentences to facilitate their transition back to living freely in society. However, if the releasee fails to abide by the terms and conditions of supervision, the Commission enforces the inability to adjust by means of the revocation process. The program also provides administrative and investigative support for the State's Executive Clemency function, including the Restoration of Civil Rights (RCR) Program.

The Parole Commission is a constitutionally authorized decision-making body. Article IV, section 8 of the Florida Constitution, provides that there may be created by law "a parole and probation commission" with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime (s. 20.32, Florida Statutes). In 1941, the Commission was created by law to administer parole. Since that time, the administration of conditional release, conditional medical release, control release, and addiction recovery supervision have been placed under the Commission. The Commission also acts as the *investigative arm* of the Governor and Cabinet, sitting as the Board of Executive Clemency ("Clemency Board"), in clemency matters. In 2006, legislation was passed which addressed seaport security, access control, and credentialing. At that time, the Parole Commission was charged with the additional task of conducting fact-finding investigations to be used by the Florida Department of Law Enforcement (FDLE) when making a determination to deny or grant a waiver request for applicants who have been denied employment due to a prior felony conviction.

The Florida Parole Commission's Long Range Program Plan (LRPP) for FY 2010-11 through FY 2014-2015 is a five-year plan based on established and proposed goals and objectives. In the development of the LRPP, the Commission reviewed and evaluated the services and activities funded in the current year to determine their effectiveness and efficiency. In response to recommendations made in an operational audit of the Clemency Section's Restoration of Civil Rights' process (Auditor General Report No. 2010-010 published September 2009), the Commission is proposing 6 additional goals,

objectives, and performance measures for consideration by the Clemency Board and the Office of Policy and Budget.

To this end, the Commission will be submitting a request to the Office of Policy and Budget (OPB) to amend the Commission's current performance measures to include 3 measures addressing quality assurance for each RCR eligibility level (Levels I, II, and III) and 3 performance measures to reflect the reduction in RCR pending cases. This plan provides the framework for the agency's Legislative Budget Request and provides a snapshot of the Commission's current status, its desired goals, and a plan to achieve them. A tenth goal is proposed to reduce the recidivism rate for conditional releasees, with a funding request for this re-entry program included in the Commission's FY 2010-11 Legislative Budget Request.

### *Parole*

The Commission administers parole, which is a discretionary prison release (See Chapters 947, 948, and 949, F.S.). It allows an inmate who has been granted parole to serve the remainder of his or her prison sentence outside of the confines of the institution. Once released, the parolee is subject to conditions of supervision, and if those conditions are violated, the Commission may return the parolee to prison.

Parole has experienced a number of changes over the years. In 1978, the Florida Legislature enacted "Objective Parole Guidelines," which required the Commission to develop and implement rules and criteria upon which parole decisions were to be made. The criteria was based on risk assessment and combined historical Commission decision-making experience with individual case elements. The most significant change, however, came in 1983. In that year, sentencing guidelines were enacted, effectively abolishing parole for most offenders who were sentenced for crimes committed on or after October 1, 1983.

Inmates convicted of first degree murder or making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act results in death of another person prior to May 25, 1994, are parole eligible, and inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible. Capital felonies of sexual battery upon a child less than 12 years old, capital felony of trafficking in cocaine, capital felony of trafficking in illegal drugs, and the killing of another by distribution of cocaine or opium or derivatives require a minimum 25 years to be served before being parole eligible. Thus, some inmates will not become parole eligible until the year 2020 or beyond. Currently, there are 5,826 inmates who are eligible for parole consideration and approximately 450 offenders who are under parole supervision.

### ***Conditional Release***

In 1988, the Florida Legislature created the Conditional Release Program and placed it under the administration of the Commission (see Chapters 947, 948, and 960, F.S.). Conditional Release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or sexual predator. Unlike parole, conditional release is not a discretionary release.

Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission, and this supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. According to the Department of Correction's "Florida Supervised Population Monthly Status Report" dated June 2009, there were 2,864 inmates under conditional release supervision.

As a result of the recommendations of the *Governor's Ex-offender Task Force* and the federal *Second Chance Act of 2008*, the Commission is proposing in its Legislative Budget Request for FY 2010-11 a re-entry program for conditional release offenders who have been deemed to be good candidates for a transition program. The goal will be to reduce the recidivism rate for this targeted population of offenders on conditional release and to provide an alternative to reincarceration for non-violent technical violators.

### ***Control Release***

In 1989, the Florida Legislature created the Control Release Authority (see Chapters 947 and 948, F.S.). This program is a prison population management system administered by the Commission, when authorized, to keep the prison population at less than 99% of the total capacity. The Commission does not currently review the inmate population for discretionary release under this authority as there are sufficient prison beds for the current prison population. There are, however, a small number of control releasees who are still under supervision. The Commission is responsible for monitoring the progress of these releasees and conducting revocation hearings when alleged violations are reported.

### ***Conditional Medical Release***

In 1992, the Florida Legislature created Conditional Medical Release (see Chapters 947, 948, and 960, F.S.). Conditional medical release is a discretionary release that allows the Commission to release inmates on supervision who are "terminally ill" or "permanently incapacitated" and who are not a danger to others (s. 947.149, Florida

Statutes). Under current law, inmates granted a conditional medical release must remain under supervision for the balance of their sentence.

The Commission is seeking in its FY 2010-11 Agency Legislative Proposals to expand the pool of inmates currently considered for conditional medical release to include “chronically ill” inmates to the category, thus potentially reducing the inmate population, housing costs, and costs for medical care.

In the past three years, the Department of Corrections has recommended 76 inmates for release, with the Parole Commission granting a release to 42 or 55% of those recommended for release. In FY 06-07, the Department recommended 15 inmates for a conditional medical release; in FY 07-08, this number increased to 25; and in FY 08-09, it increased again to 36, twice the amount recommended in FY 06-07. With Florida’s inmate population rapidly aging, and the costs for housing inmates and their medical care rising daily, this proposal would add another category of medically-compromised inmates for recommendation by the Department of Corrections and review by the Parole Commission for a potential conditional medical release.

By considering chronically ill inmates for conditional medical release, the costs of both incarceration and inmate medical costs would be reduced since their housing costs and medical care would be assumed by the persons to whom they are being released, while remaining under the supervision of the Department. Housing an inmate currently costs \$55.09 a day or \$20,108 per year with most of the costs associated with housing an inmate in a major prison spent on security and medical services.

### *Clemency*

The Parole Commission operates as the investigative arm of the Governor and Cabinet sitting as the Board of Executive Clemency (“Board”) (see Chapters 925, 940, 944, 947, and 960, F.S., and 18 U.S.C. § 921(a)(20) and § 922(g)(1)). Clemency is a constitutionally authorized process that provides the means through which convicted felons may seek restoration of their civil rights (RCR) and may be considered for relief from punishment.

Clemency functions include: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case reviews. The Parole Commission’s staff assists the Clemency Board in the orderly and expeditious processing of those matters that are considered by the Board. Parole Commission staff, working through the courts, state, and federal criminal justice agencies also conduct comprehensive confidential clemency investigations for the Board for applicants seeking various types of clemency relief. These detailed investigations provide a broad picture of the applicant’s history and activities, which assists the Board in making informed decisions.

The individuals who seek or are considered for clemency relief are either currently incarcerated felons or released felons. When a person is convicted of a felony they lose the right to vote, sit on a jury, hold public office, obtain certain occupational licenses and possess a firearm. The clemency process provides the means through which the offender may have some or all of his/her rights restored. The clemency process also provides the means by which an offender may be considered for relief from punishment. If the individual does not meet the eligibility criteria for any form of executive clemency as set forth in the rules, he or she may file an application requesting a waiver.

Persons seeking to have their civil rights restored may call, e-mail, fax, send a letter to the Office of Executive Clemency, or fill out a data information sheet directly online at the Commission's website: [www.fpc.state.fl.us](http://www.fpc.state.fl.us) or <https://fpc.state.fl.us/Clemency.htm>. Most importantly, individuals can now access the Commission's clemency database via the Internet site and check to see whether their rights have been restored. If restored, they can also print a copy of the certificate. Also, effective September 2008, as a result of Governor Crist's Executive Order dated August 27, 2008, the Commission is now sending a voter registration application along with their certificate.

#### *Significant Clemency Rules Change: April 5, 2007*

On April 5, 2007, the Board of Executive Clemency adopted new rules implementing an automatic approval process (Level I) for the restoration of civil rights for felons convicted of specific offenses. Persons who have completed their sentences and paid their debt to society are eligible for Level I automatic approval if they have been convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of Firearm by Convicted Felon, Felony DUI, and Sale of Controlled Substance. The cases are reviewed for eligibility and placed on an executive order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights.

Individuals convicted of more serious offenses such as Aggravated Battery/Assault, Trafficking in Cocaine, Aggravated Stalking, Kidnapping/False Imprisonment, or First Degree Burglary are eligible for a Level II review for restoration of civil rights *without a hearing*. A more in-depth investigation is required for these cases with additional information being provided to the Clemency Board for a 30-day review. At the end of the review period, if the Clemency Board approves, the names of the eligible individuals are then placed on an executive order for signature of the Board and restoration of civil rights certificates are mailed to those persons once the order has been signed. If the Clemency Board does not approve, the case will be forwarded for a full clemency investigation (Level III).

Persons convicted of the most serious offenses such as Murder/Manslaughter, Sexual Battery, Aggravated Child Abuse, or persons designated as Sexual Predators must be investigated for restoration of civil rights *with a hearing* before the Board of Executive Clemency as a Level III case.

In addition to the electronic lists provided by the Department of Corrections, the Commission uses a one-page hardcopy restoration of civil rights "data worksheet." This form has been redesigned to require less information and eliminates the requirement that individuals provide certified copies of court documents when applying for restoration of civil rights. The mailing of a copy of the request form to the sentencing judge and State Attorney has been eliminated in all types of clemency requests. All forms necessary for the clemency process are available online at the Commission's website.

The current review process utilizes many automated computer systems (e.g., Department of Corrections, Clerks of Court, the Internet, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, local law enforcement agencies, out-of-state boards and agencies, etc.). In addition, the Commission uses the Comprehensive Case Information System (CCIS), a secured Internet Portal maintained by the Florida Association of Court Clerks, providing a single point of access for statewide court case information. Additionally, the notification letter mailed to individuals who are determined by the Commission to be ineligible for restoration of civil rights without a hearing is automatically generated by the *Management Application of Clemency* (MAC) database. This letter provides information on how to proceed with the process for restoration of civil rights with a hearing.

The referral, assignment, and approval of cases within the Commission are processed through the Commission's MAC database. This database was redesigned in November 2006 to consolidate the MAC and MCI (Management of Clemency Investigations) into one integrated system. Today, the Florida Department of State is provided the Board's actions bi-weekly so that it may update its Central Voter Registration Database.

As a result of the April 2007 rule changes and the clemency process being made more "user friendly," the number of restoration of civil rights requests (cases) has increased. During FY 2008-09, the Commission processed 76,069 clemency cases with the additional temporary staffing made possible by the Governor's veto on January 27, 2009, of a 4% budget cut made in Special Session "A". The Governor's veto of the \$320,000 budget cut provided funding to hire 6 temporary employees and to pay 24 current employees to work part-time to process clemency cases and to assist in further reducing the current pending cases.



Today, it has never been easier to begin the process of having one's rights restored, since persons seeking to have their rights restored need only make a request by letter or e-mail, fax, download the clemency request form available on the Internet, or call the Office of Executive Clemency directly.

The need for additional resources to handle the high volume of cases has not abated. The Commission has continually informed the Legislature through its Legislative Budget Request each year of the increased clemency workload and asks for the funding and staff resources needed to counter the increasing workload and pending cases. However, due to the State's current budgetary constraints, the Commission recognizes the challenges facing the Legislature and continues to persevere until adequate funding becomes available to sufficiently fund the clemency function's staffing requirements. Other than a one-time \$50,000 appropriation for RCR Outreach in for FY 2007-08, the Commission has not received any additional positions or funding for clemency operations since 2003.

The Commission's FY 2010-11's legislative budget request again addresses the need for additional resources to: (1) reduce the growing number of pending cases; (2) to answer the toll free Restoration of Civil Rights information line (3) to implement quality assurance measures to negate errors; and (4) process cases within timeframes allowing RCR Level I cases to be completed within 6 months; Level II cases to be completed within 12 months; and Level III cases to be completed within 18 months. A September 2009 review of the current RCR process by the Auditor General stated that 70 additional FTEs would be needed to complete the current pending cases.

### *Seaport Security Investigations*

During the 2006 legislative Session, legislation was passed (CS for HB 7145), which addressed seaport security, access control, and credentialing. This legislation requires the Parole Commission to conduct fact-finding investigations for use by the Florida Department of Law Enforcement (FDLE), when making a determination to deny or grant a waiver request for applicants who have been denied employment due to a prior felony conviction.

The law specifically requires Parole Commission staff, no later than 90 days after receipt of a complete waiver application packet from FDLE, to conduct a factual review of the waiver application and a relevant investigation. On completion of its review and findings of fact, Commission staff provides the report to the Florida Department of Law Enforcement. This is the one area in law where statutory timeframes are mandated for clemency investigatory staff. In FY 08-09 there were 39 seaport investigations completed.

### ***Addiction Recovery Supervision***

In 2001, the Florida Legislature created the Addiction Recovery Supervision Program and placed it under the Commission's administration. This program requires mandatory post-prison supervision for offenders, released from a state correctional facility, who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. The law requires the Commission to set the terms and conditions of supervision and to revoke that supervision if the offender(s) fails to abide by those conditions. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2008-09, 2,057 offenders were placed in the program.

### ***Victim Services***

Article 1, Section 16(b) of Florida's Constitution and Sections 947.06 and 960.001, Florida Statutes, address the need to protect the rights of victims of crime and the need for victims' input in the criminal justice process. To this end, victim assistance is a major tenet of the Parole Commission's mission and one we consider critical for serving the public. Victims' Services provides direct, personal assistance to crime victims and their families. These employees strive to further reduce victimization through education within an environment of compassion, dignity, and respect by informing victims and their families of their rights. Valuable services provided to victims and their families by the Parole Commission's Victims' Services unit include: informing victims of their right to be heard and participate in the parole and clemency processes; educating victims about the parole and clemency processes; providing advance notice to victims of upcoming parole and clemency proceedings; maintaining a separate waiting area for victims; and providing a toll-free telephone number to obtain support or information (1-800-435-8286).

In FY 2007-08, Victims' Services assists made up 7% of the FPC workload hours by activity with 19,985 victim assists made by Central and Field office staff. In FY 08-09, Victims' Services assists made up 8% of the FPC workload hours by activity with 20,219 victim assists made by Central and Field office staff. On June 30, 2009, there were 22,978 Level II cases and 6,130 Level III Clemency cases pending, with most requiring some type of victim input. Further, there are approximately 5,826 inmates currently parole eligible whose cases will require victim input. In summary, victim input plays a critical role in helping the Commission to make informed decisions. Having highly trained, professional staff to assist victims of violent crimes ensures that a victim's rights are protected and they are not subjected to further victimization as a result of a parole hearing or clemency waiver hearing. The Commission is committed to ensuring public safety for the citizens of this State in an effective and efficient manner

Two (2) victim assistance positions were deleted when the agency took a 20% cut for FY 2008-2009. This reduction resulted in Victims' Services being cut from four staff to two, with one position being grant-funded. The Commission will request these critical positions be restored as part of the Commission's budget request for FY 2010-11.

### **GOAL ONE**

The Commission's first goal is to select individuals for parole who will succeed as law-abiding citizens. When determining whether to release an inmate on parole, the Commission conducts a thorough review of the inmate's record.

The Commission reviews not only the circumstances and seriousness of the offense, but also the inmate's prior criminal record, previous education, employment history, mental health evaluations, disciplinary record in prison, substance abuse history and any other information that would impact a release decision. Commission field staffs provide a written report of these factors except for the mental health evaluations which are to be provided by the Department of Corrections (Department). The field staffs also through an interview with the inmate at the prison provide the Commission with a pre-parole investigation that evaluates the suitability of the inmate's proposed residence and employment if he is granted parole.

When making a determination to release an inmate to parole, it is critical that Parole Commissioners be provided a detailed and thorough mental health status report prior to making a risk assessment and parole decision. Previously, the Department provided the Parole Commission with detailed mental health evaluations. However, beginning March 2009, the Department now only provides a summary of an inmate's mental health record. Annually the Parole Commission requests approximately 200 mental health evaluations from the Department annually and there are 5,826 inmates who are eligible for parole consideration. To continue receiving these vital, detailed mental health evaluations, the Commission will be submitting a budget request for three (3) Senior Behavioral Analysts to conduct inmate evaluations.

When evaluating whether to grant parole, the Commission must make a finding that the inmate's release will be compatible with his own and society's welfare. The Commission must also find that the inmate will be law-abiding and will not become a public charge. If the Commission cannot reach this conclusion, the inmate will not be paroled. If the Commission is able to make this finding and authorizes the inmate's release on parole, it sets the length of supervision, not to exceed the maximum prison term, and sets the conditions of supervision. The conditions of supervision are intended to facilitate the parolee's successful reintegration into society and protect the public. The inmate must agree to the terms and conditions of supervision in order to be paroled. If the parolee violates the conditions of supervision, the Commission may revoke that supervision and return the parolee to prison or take other appropriate action. In FY 08-09 there were approximately 572 offenders under Parole supervision.

The Commission will address this priority by:

**Analyzing Parole Revocations.** By carefully reviewing these cases, the Commission may be able to identify a common factor among this population of offenders that may have contributed to their inability to successfully transition into the community. This information may assist the Commission in making future parole decisions or assist correctional probation officers in identifying factors that could affect the manner in which they supervise the parolee.

The baseline for this goal was established in FY 1999-00 with the actual percentage of parolees successfully completing their supervision without revocation within the first two years was 90.1%. Recently, in FY 2006-07, the percentage was 85.4%; in FY 2007-08, the percentage was 81.8%; and in FY 2008-09, the percentage was 86.4%. Due to the small number of parolees reviewed (22 in FY 2008-09 with 19 being successful), the success rate was 86.4%. The Commission's goal for FY 2009-10 is 85%.

## GOAL TWO

The Commission's second goal is to ensure informed decisions are made by placing cases before the Commission and Clemency Board that have no factual errors. The objective of this goal is to ensure that the Commission and Clemency Board have the most complete and accurate information upon which to base their decisions. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary for the Commission or Clemency Board to make an informed decision. "Accurate information" means that the information presented has been verified or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information or incorrectly reporting information. These errors do not include typographical errors. The types of cases reviewed for errors include clemency investigations, parole interviews, and revocation hearings.

The Commissioners and the Clemency Board identify errors in the reports and investigations for the various types of cases reviewed. These errors are tabulated and expressed as a percentage of the total number of cases that are placed before the Parole Commission and Clemency Board. By providing complete and accurate information, the Commission and the Clemency Board can make informed, accurate decisions.

This goal remains a high priority of the agency because the Commission and Clemency Board are ultimately decision-making bodies. The information provided to them by staff forms the basis of their decisions. Accordingly, their effectiveness as decision-makers is directly related to, or dependent in large part upon, the completeness and accuracy of the information that is provided.

The Commission addresses this priority by:

1. **Establishing clear policies and procedures.** This ensures that staff produces a quality work product by having the Commission provide clear direction as to what is expected in the performance of their duties.
2. **Providing training.** This training describes, in depth, the procedures that must be followed when acting as a Hearing Officer in revocation proceedings or when acting as the investigative arm of the Clemency Board.
3. **Quality Assurance Reviews.** Reviews conducted by Regional Administrators, Supervisors and Quality Assurance staff located in the Clemency office.

The percent of cases placed before the Parole Commission/Clemency Board containing no factual errors for FY 2008-09 was 99.3%.

### GOAL THREE

The Commission's third goal is guaranteeing timely decisions by ensuring that once the final revocation hearing has been held, the Commission will render its decision within 90 days. The Commission has addressed this priority. In FY 1999-2000, the baseline percentage of revocation cases voted within 90 days was 95%. In FY 2008-09, the percentage remains high at 99.9%. The Commission will strive to maintain this high level of performance.

### (PROPOSED) GOALS FOUR THROUGH SIX

The Commission recently responded to a report published September 2009 (AG Report No. 2010-010) of an operational audit conducted by the Auditor General on the Clemency Board's Restoration of Civil Rights' Process. In its Finding No. 2, *Eligibility Determination Procedures*, the Auditor General recommended a risk-based supervisory review process be established along with quality control procedures to "target cases and eligibility criteria prone to error." While the Commission does have levels of quality assurance reviews in place for RCR cases, the Commission agrees that targeting the error rate of RCR cases through performance measures will allow the Commission to thoroughly evaluate errors and improve the process. The Commission acknowledges the significance and importance of the Restoration of Civil Rights Process and that adequate quality control procedures should assure that the process is as error-free as possible. Having the responsibility of identifying and determining whether an individual is eligible to have his or her rights restored is a grave responsibility and one that should be carried out with the utmost professionalism and critical attention to detail. The Commission will strive for "zero" errors as the ultimate goal.

The Commission's proposed goals four through six focus on ensuring informed decisions are made by placing RCR cases before the Clemency Board that have no factual errors. The objective of this goal is to ensure that members of the Board have the most complete and accurate information upon which to base their decisions pertaining to RCR. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary for the Board to make an informed decision. "Accurate information" means that the information presented has been verified or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information, incorrectly reporting information or incorrectly determining eligibility. These errors do not include typographical errors. The types of cases reviewed for errors include Level I, II, and III RCR cases.

Errors are identified in executive orders and investigations for the various types of RCR cases reviewed. These errors are tabulated and expressed as a percentage of the total number of cases that are placed before the Clemency Board. By providing complete and accurate information, the Clemency Board can make informed, accurate decisions.

The Commission will address this priority by:

1. **Establishing clear policies and procedures.** This ensures that staff produces a quality work product by having the Commission provide clear direction as to what is expected in the performance of their duties. The Clemency Administration Section will develop a RCR EOS/TOS Manual.
2. **Providing training.** Extensive training will be provided on policies, procedures, and Rules pertaining to Clemency. As the investigative arm of the Clemency Board a thorough training of conducting investigations is imperative. Additional, training will be provided on the new RCR EOS/TOS Manual.
3. **Conducting Quality Assurance Reviews.** QA Reviews will be conducted by Regional Administrators and Supervisors using the RCR EOS/TOS Checklist. Also the newly established Central Office Quality Assurance team will follow up with quarterly reviews.
4. **Holding Monthly RCR Teleconferences.** Monthly statewide Clemency Teleconferences will be held to address questions from the field staff, discuss policies and procedures, and allow Clemency Administration to report to field staff the results of their quality assurance reviews.

The AG Report No. 2010-010 published September 2009 stated that 94% of the RCR cases were error free.

## (PROPOSED) GOALS SEVEN THROUGH NINE

The Commission recently responded to a report published September 2009 (AG Report No. 2010-010) of an operational audit conducted by the Auditor General on the Clemency Board's Restoration of Civil Rights' process. In its Finding No. 4, the audit stated that the Commission's performance measures did not provide standards and results for each level of review or investigation for pending case reduction and *"recommend[ed] the Commission amend its performance measures to include for each RCR eligibility level for pending case reduction."*

Currently, the Commission provides an annual *Proviso Report* to the Legislature on its RCR- related clemency function and relevant data. The report provides the Legislature and the Governor's Office of Policy and Budget (OPB) with a status report so they can be fully informed on the following information: the number of pending RCR cases, the number of RCR cases processed the RCR process currently in use, and the cost for processing these cases. The report provided October 1, 2008, was a 37 page, comprehensive document. The October 1, 2009, Proviso Report will contain a breakdown of this information by category for Levels 1, 2, and 3 RCR cases. The Commission embraces the recommendation to provide additional information on RCR cases by amending the performance measures to include pending RCR cases by category of case.

The Commission's proposed goals seven through nine focus on the timeframes to complete Level I, II, III RCR cases. The objective of this goal is to reduce the number of pending RCR cases. The results of these performance measures will provide information upon which to make informed decisions on the funding necessary to complete RCR cases in a timely manner. Based on cases processed during FY 2008-09, Level 1 cases took .6 hours per case; Level 2 cases took 3.2 hours per case; and Level 3 cases took 20 hours per case.

The Commission will address this priority by:

1. Tracking the RCR timeframes. The tracking and evaluation of the completion of RCR cases will allow the Commission to evaluate the results throughout the year.

On June 30, 2009, there were 62,924 total pending clemency cases. To reduce the time for processing a case for Levels 1 and 2 cases to six months and 12 months respectively, as well as processing Level 3 cases in 18 months, twenty (20) new positions will be requested for FY 2010-11. This will allow cases to be processed to begin striving to achieve this standard by FY 2011-12.

## (PROPOSED) GOAL TEN

The Commission's tenth goal is to provide transitional assistance through re-entry programs for those offenders being released back into the community on conditional release supervision and who technically violate the conditions of their supervision. To address the need for successful re-entry, the Parole Commission proposes a program for conditional release offenders under its jurisdiction, which would enhance public safety in Florida and link to Governor Crist's *Protecting Our Communities* initiative. Currently, the Commission has no funded alternative for offenders under their jurisdiction who violate the conditions of their supervision.

The Commission has responsibility for post release supervision for conditional releasees, conditional medical releasees, control releasees, parolees, and those under addiction recovery supervision. When an offender violates, the Commission can return the offender to prison to complete his/her sentence, or restore the offender to supervision, possibly with additional conditions of supervision. There needs to be an alternative to re-incarceration, whereby the offender can receive treatment in the community in a structured environment versus returning to prison. This saves the cost of incarceration, while increasing public safety. This is done by reducing the chance of the offender committing another crime and having another victim.

Quite often, limited resources for inmate services while incarcerated lead to the release of an unprepared transitioning offender. An unprepared released offender will have difficulty finding employment and adequate housing and may view a return to criminal behavior as a viable option. Repeated criminal conduct not only affects a community's public safety, but also adds to rising costs at the local level.

Currently, transitional services necessary for returning offenders may not be provided due to Federal budget cuts, state and local government budgetary constraints, and lack of state programs. However, in many states including Florida, a substantial number of faith-based and community leaders have created re-entry programs to assist offenders. Working with business and service providers, these organizations provide job training, housing options, and other transitional services that help ex-offenders become successful and contribute to their communities.

This goal mirrors the goal of the Second Chance Act passed in 2008 by Congress, which focuses on increasing the likelihood of an offender being successful upon re-entry to society. Nationally, there is tremendous support for this type of alternative treatment. With the passage of the *Second Chance Act* both programs and funding are being provided to the states to support successful re-entry for releasees. President Bush first brought the issue to the forefront in 2004, when he concluded his *State of the Union* address by proposing a four-year, \$300 million initiative to fund recidivism and the societal costs of re-incarceration by assisting inmates find work when they return to communities. The President's initiative strove to harness the resources and experience



of faith-based and community organizations in assisting the returning inmate back into society.

Also, in 2005, the first “Governor’s Ex-Offender Task Force” created by Executive Order February 7, 2005, was formed to address transitional issues for ex-offenders. The task force’s mission was to help improve the State’s effectiveness in facilitating the re-entry of ex-offenders into their respective communities and, hopefully, reduce the incidence of recidivism. The task force was composed of professionals from the criminal justice community, faith-based organizations, and ex-offender activist groups. Members were asked to identify barriers to an ex-offender’s successful re-entry, provide recommendations regarding such reforms, provide recommendations on implementation of the reforms, and provide recommendations for measuring the effectiveness of such reforms. A final report with its recommendations was issued February 2007.

The goal of the program is to reduce the number of offenders that are returned to prison for violating the conditions of their supervised release on a technical offense by establishing local partnerships with faith based and drug treatment providers to build a network of support for transitioning offenders at the local level. The community-based support will offer an option other than reincarceration, improve the success rate of transitioning offenders, reduce recidivism, and reduce the need for new beds within the Department of Corrections.

The Commission will identify and network with community-based programs that are designed to offer an alternative to re-incarceration and enhance public safety. A select number of offenders who violate their supervision based on technical offenses would be assessed for their willingness and potential to succeed. Once identified, they would be eligible to receive assistance in a community-based program designated as a transitional treatment facility containing a substance abuse component, a faith-based component, or both.

If the ex-offender violates, the Commission can return the offender to prison to complete the court imposed sentence or restore supervision, possibly with additional conditions of supervision. What is currently missing is an alternative to the prison option wherein the offender can receive treatment and assistance in the community while under strict supervision. This proposal envisions Re-entry Coordinators working collaboratively with community-based program providers to identify and develop community-based assistance and treatment options that would support the offender in the challenges of re-entry into the community. The Commission believes that this proposal would prove cost effective to the State as well as making an investment in the community by ensuring that offenders returned to the community have successfully received and completed appropriate behavior modification treatment. By reducing recidivism, the state’s incarceration costs would be positively impacted. The average daily per diem cost for prison is \$55.09.

The Commission is again requesting 5 FTEs as Re-entry Coordinators for FY 2010-11, a request which was not funded by the Legislature in 2009. However, the Commission believes that long-term savings would offset the initial start-up costs and eventually pay for the program, saving the State money. Five (5) Re-entry Coordinators would be assigned to each of the Commission's field offices to work with offenders and grow partnerships with business, private, and faith-based organizations offering assistance to offenders in their communities. These organizations provide job training, housing options, and other transitional services that help ex-offenders become successful and contribute to their communities.

The Commission will address this program proposal by:

- 1. Establishing clear policies and procedures.** This ensures that a targeted population of offenders will be selected who are the best candidates for re-entry into the community. Re-entry Coordinators will produce a quality work product by networking and identifying community resources for selected offenders and providing a recommendation to the Commission for an offender's placement within a community treatment center as an alternative to incarceration.
  
- 2. Providing training.** This training describes, in depth, the procedures that must be followed when performing the duties of Re-entry Coordinators in the re-entry process.

During FY 2008-09, under the authority of the Parole Commission, of the 5,456 offenders placed on conditional release supervision during that same period, 786 releasees violated their supervision for technical violations and were returned to prison. The purpose of this program would be to offer community-based resources to conditional release technical violators, which could result in a projected 25% decrease (or 197 offenders of the 786 technical violators) in the offenders being returned to prison for technical violations. This program anticipates reducing the need for new bed construction for the Department of Corrections.

**FLORIDA PAROLE COMMISSION**

**PERFORMANCE MEASURES AND  
STANDARDS – LRPP EXHIBIT II**

**LRPP Exhibit II - Performance Measures and Standards**

<b>PAROLE COMMISSION</b>	<b>Department: 78000000</b>
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<b>78010000 Program: Post-Incarceration Enforcement and Victims Rights</b>				
<b>Approved Performance Measures (Words)</b>	<b>Approved Prior Year Standards FY 2008-09 (Numbers)</b>	<b>Prior Year Actual FY 2008-09 (Numbers)</b>	<b>Approved Standards for FY 2009-10 (Numbers)</b>	<b>Requested FY 2010-11 Standard (Numbers)</b>
Parolees who have successfully completed their supervision without revocation within the first two years: Number	60	19	60	20
Parolees who have successfully completed their supervision without revocation within the first two years: Percentage	85%	86.4%	85%	85%
Percentage of revocation cases completed within 90 days after final hearing	99.9%	99.9%	99.9%	99%
Percent of cases placed before the Parole Commission/Clemency Board containing no factual errors.	98%	99.3%	98%	98%
Number of conditional release/addiction recovery cases handled	5,597	8,639	5,597	5,597
Number of revocation determinations	3,031	1,991	3,031	2,000
Number of clemency cases handled	65,000	76,069	65,000	65,000
Number of parole releases decisions	1,374	1,886	1,374	1,374
Number of victim assists	3,288	20,219	3,288	15,000

<b>78010000 Program: Post-Incarceration Enforcement and Victims Rights</b>				
<b>Approved Performance Measures (Words)</b>	<b>Approved Prior Year Standards FY 2008-09 (Numbers)</b>	<b>Prior Year Actual FY 2008-09 (Numbers)</b>	<b>Approved Standards for FY 2009-10 (Numbers)</b>	<b>Requested FY 2010-11 Standard (Numbers)</b>
<b>PROPOSED:</b> Percent of Level 1 RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.				TBD
<b>PROPOSED:</b> Percent of Level 11 RCR cases placed on executive orders to the Clemency Board containing no factual errors.				TBD
<b>PROPOSED:</b> Percent of Level 3 RCR cases provided to the Clemency Board for hearing containing no factual errors				TBD
<b>PROPOSED:</b> Percent of RCR Level I pending cases completed within 6 months of receipt.				TBD
<b>PROPOSED:</b> Percent of RCR Level II pending cases completed within 12 months of receipt.				TBD
<b>PROPOSED:</b> Percent of RCR Level III pending cases completed within 18 months of receipt.				TBD

**FLORIDA PAROLE COMMISSION**

**ASSESSMENT OF PERFORMANCE FOR  
APPROVED PERFORMANCE MEASURES  
LRPP EXHIBIT III**

**LRPP Exhibit III (1): PERFORMANCE MEASURE ASSESSMENT**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Number of Parolees who have successfully completed their supervision without revocation within the first two years.

**Action:**

- Performance Assessment of Outcome Measure       Revision of Measure  
 Performance Assessment of Output Measure       Deletion of Measure  
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
60	19	(41)	68%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- Personnel Factors       Staff Capacity  
 Competing Priorities       Level of Training  
 Previous Estimate Incorrect       Other (Identify)  
 This Program/Service Cannot Fix the Problem  
 Current Laws Are Working Against the Agency Mission

**Explanation:** **There were a decreasing number of inmates placed on parole supervision for the two year period.**

**External Factors** (check all that apply):

- Resources Unavailable       Technological Problems  
 Legal/Legislative Change       Natural Disaster  
 Target Population Change       Other (Identify)  
 This Program/Service Cannot Fix the Problem  
 Current Laws Are Working Against the Agency Mission

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

- Training       Technology  
 Personnel       Other (Identify)

**Recommendations:** **Adjust standard to 20 to reflect decreasing population.**

*Office of Policy and Budget – July 2009*

**LRPP Exhibit III (2): PERFORMANCE MEASURE ASSESSMENT**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Number of Revocation Determinations

**Action:**

- Performance Assessment of Outcome Measure
- Performance Assessment of Output Measure
- Adjustment of GAA Performance Standards
- Revision of Measure
- Deletion of Measure

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
3,031	1,991	(1040)	(34%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- Personnel Factors
- Competing Priorities
- Previous Estimate Incorrect
- Other (Identify)
- Staff Capacity
- Level of Training

**Explanation:** A reduction in revocations is a positive result.

**External Factors** (check all that apply):

- Resources Unavailable
- Legal/Legislative Change
- Target Population Change
- This Program/Service Cannot Fix the Problem
- Current Laws Are Working Against the Agency Mission
- Technological Problems
- Natural Disaster
- Other (Identify)

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:** Adjust standard to 2000 to reflect decreasing revocations.



**FLORIDA PAROLE COMMISSION**

**PERFORMANCE MEASURES  
VALIDITY AND RELIABILITY  
LRPP EXHIBIT IV**

**LRPP EXHIBIT IV (1): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Number of Parolees Who Successfully Complete Supervision

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Requesting revisions to the approved standard from 60 to 20 due to the reduced number of offenders being paroled, the number and percentage that are successful is also reduced.

Source is the Department of Correction's Offender Based Information System (OBIS).

**Validity:** This indicator is a valid measure of how individuals placed on parole are successful in abiding by their conditions of supervision.

**Reliability:** Comes directly from the CDC database. This measure consistently yields the same results time after time and is free from random errors.

**LRPP EXHIBIT IV (2): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Number of Revocation Determinations

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Requesting revisions to the approved standard from 3,031 to 2,000 based on current trends, the number of violations of supervision that has been reported has decreased thus the number of revocations has decreased. Department of Correction's Data Center's Offender-Based Information System (OBIS).

**Validity:** This indicator is a valid measure of the number of revocation determinations placed before the Commission.

**Reliability:** Comes directly from the CDC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**LRPP EXHIBIT IV (3): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of level I RCR automatic cases placed on executive orders to the Clemency Board containing on factual errors.

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases placed upon executive order and the feedback on errors from the Clemency aids and the Clemency Board.

**Validity:** This indicator is a valid measure of the number level I cases completed with out error.

**Reliability:** Comes directly from the MAC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**LRPP EXHIBIT IV (4): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of level II RCR cases placed on executive orders to the Clemency Board containing on factual errors.

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases placed upon executive order and the feedback on errors from the Clemency aids and the Clemency Board.

**Validity:** This indicator is a valid measure of the number level II cases completed with out error.

**Reliability:** Comes directly from the MAC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**LRPP EXHIBIT IV (5): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of level III RCR cases provided to the Clemency Board containing on factual errors.

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases placed upon executive order and the feedback on errors from the Clemency aids and the Clemency Board.

**Validity:** This indicator is a valid measure of the number level III cases completed with out error.

**Reliability:** Comes directly from the MAC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**LRPP EXHIBIT IV (6): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of RCR level I pending cases completed within 6 months of receipt.

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases completed and also the total number of cases that were completed within 6 month of receipt. A completed case occurs when a case is closed, the individual is mailed a RCR certificate, or the individual is mailed notification of further action they must take to obtain their rights.

**Validity:** This indicator is a valid measure of the number of Level I cases completed within 6month.

**Reliability:** Comes directly from the MAC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**LRPP EXHIBIT IV (7): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of RCR level II pending cases completed within 12 months of receipt

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases completed and also the total number of cases that were completed within 12 month of receipt. A completed case occurs when a case is closed, the individual is mailed a RCR certificate, or the individual is mailed notification of further action they must take to obtain their rights.

**Validity:** This indicator is a valid measure of the number of Level II cases completed within 12 month.

**Reliability:** Comes directly from the MAC database. This measure consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*



**LRPP EXHIBIT IV (8): Performance Measure Validity and Reliability**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Percent of RCR level III pending cases completed within 18 months of receipt

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

**Data Sources and Methodology:**

Management Application of Clemency (MAC) system within the Commission will be used to obtain the total number of cases completed and also the total number of cases that were completed within 18 month of receipt. A completed case occurs when a case is closed, the individual is mailed a RCR certificate, or the individual is mailed notification of further action they must take to obtain their rights.

**Validity:** This indicator is a valid measure of the number of Level III cases completed within 18 month.

**Reliability:** Comes directly from the MAC database. This measure should consistently yields the same results time after time and is free from random errors

*Office of Policy and Budget – July 2009*

**FLORIDA PAROLE COMMISSION**

**ASSOCIATED ACTIVITIES CONTRIBUTING TO  
PERFORMANCE MEASURES  
LRPP EXHIBIT V**

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

<b>Measure Number</b>	<b>Approved Performance Measures for FY 2008-09</b>	<b>Associated Activities Title</b>
1	Parolees who have successfully completed their supervision without revocation within the final two years: Number	(1) Offender Revocations (2) Parole Determinations
2	Parolees who have successfully completed their supervision without revocation within the final two years: Percentage	(1) Offender Revocations (2) Parole Determinations
3	Percentage of revocation cases completed within 90 days after final hearing	(1) Offender Revocations
4	Percentage of cases placed before the Parole Commission/Clemency Board containing no factual errors	(1) Offender Revocations (2) Parole (3) Clemency Services
5	Number of conditional release/addiction recovery cases handled	(1) Conditional Release
6	Number of revocation determinations	(1) Offender Revocations
7	Number of clemency cases handled	(1) Clemency Services
8	Number of Parole Release Decisions	(1) Parole Determinations
9	Number of Victim Assists	(1) Clemency Services (2) Parole Determinations



## ~ GLOSSARY OF TERMS~

**Addiction Recovery Supervision:** A program of mandatory post prison supervision for persons released from a state correctional facility who were convicted of a crime committed on or after July 1, 2001, and has a history of substance abuse or addiction or has participated in any drug treatment, and has not been convicted of a disqualifying offense.

**Capital Case:** A case in which an inmate has been sentenced to death and the Governor's Office has requested Clemency Administration to review, update or conduct an interview of the inmate and prepare and in-depth investigation for consideration of the signing of a death warrant or commutation of sentence.

**Clemency Pending Cases:** All clemency cases awaiting processing by the Parole Commission.

**Clemency Board:** Comprised of the Governor and Cabinet.

**Clemency Investigations:** A background investigation by a parole examiner to determine those persons requesting clemency who should be considered for a pardon or other clemency action by the Governor and Cabinet sitting as the Executive Clemency Board.

**Conditional Medical Release:** The release of an inmate referred by the Department of Corrections, who has been found to be terminally ill or permanently incapacitated and does not pose a danger to him or others.

**Conditional Release:** The release of a statutorily eligible inmate to community supervision at the expiration of his/her prison term, less any gain time allotments. The releasee serves the balance of time remaining on their maximum sentence under community supervision. An inmate must have been convicted of certain crimes, and must have had a prior state or federal prison term; or have been found to be a Habitual Offender, Violent Habitual Offender, Violent Career Criminal, or Sexual Predator to be eligible for conditional release.

**Control Release:** The release of a statutorily eligible inmate prior to the expiration of the inmate's sentence which is required to maintain the prison population within its lawful capacity.

**Final Hearing:** A fact-finding quasi-judicial hearing by the Commission's authorized representatives for the purpose of determining whether a releasee has violated the conditions of release; and if so, what recommendation should be made to the Commission.

**Inmate:** An individual sentenced to a term of at least one year and a day or more incarceration to a Department of Corrections' Institution.

**Objective Parole Guidelines:** A predictive parole risk assessment, established to ensure uniformity and equity of the parole process, while combining historical decision-making experience with individual case elements.

**Parole:** The release of an inmate prior to the expiration of a sentence with a period of supervision to be successfully completed by compliance with the numbered conditions and term of the release agreement as ordered by the Commission. Inmates convicted of first degree murder or making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act results in death of another person prior to May 25, 1994, are parole eligible and inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible. Capital felonies of sexual battery upon a child less than 12 years old, capital felony of trafficking in cocaine, capital felony of trafficking in illegal drugs, and the killing of another by distribution of cocaine or opium or derivatives require service of a mandatory minimum of 25 years before being parole eligible.

**Parole Examiner:** An employee of the Commission working directly with inmates and release violators to prepare cases for Commission review.

**Releasee:** An offender who has completed his or her prison term and has been released to a program of Control Release, Conditional Release, Parole, Conditional Medical Release, or Addiction Recovery Supervision.

**Restitution:** A special condition of release, whereby the releasee is required to make payments to the victim of the crime.

**Restoration of Civil Rights/Level I:** Commonly referred to as “automatic.” These are cases involving the least severe offenses that are not specifically designated per the Rules of Executive Clemency as violent/sexual offenses and do not require a hearing.

**Restoration of Civil Rights/Level II:** Cases involving more severe offenses, including violent and drug trafficking offenses, but not murder/sexual offenses. These cases do not require a hearing unless a Board member objects.

**Restoration of Civil Rights/Level III:** Cases involving the most severe offenses including murder/sexual offenses, which require a full investigation, a Commission recommendation, and a hearing before the Board of Executive Clemency.

**Special Condition:** A condition of release that addresses a specific aspect of a releasee’s behavior.

**Seaport Security Waiver Investigation:** An investigation conducted by the Parole Commission when an applicant for employment at one of Florida’s seaports is denied and seeks a waiver.

**Waiver (Clemency):** An individual who wishes to apply for any form of clemency who does not meet the necessary requirements may request a waiver of the Clemency Board Rules.